

TODAY'S DATE _____
CLERK'S NAME _____
SCREENING ATTORNEY _____

WILL WORKSHEET

MCAS Yuma Legal Assistance Office
269-3636



PRIVACY ACT STATEMENT

AUTHORITY: United States Code, Title 10, Section 8072. **PRINCIPAL PURPOSE:** To assist a judge advocate in the preparation of a client's will. **ROUTINE USES:** To provide a judge advocate with sufficient information to draft a client's will. The Office of the Staff Judge Advocate maintains no file copy. **MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL BY NOT PROVIDING INFORMATION:** Disclosure is voluntary, but nondisclosure prohibits preparation of a will.

This worksheet will answer common questions concerning wills, prepare you to discuss your needs and desires with an attorney, and provide a convenient form on which to record important information. After you have completed this worksheet, you may come to the Legal Assistance Office, to have your worksheet screened by an attorney. If you do not understand any part of this worksheet, leave the question blank and discuss it with an attorney during the Will screening.

PERSONAL INFORMATION

STATUS:

☐ Active Duty Military

☐ Retired Military

☐ Family-member of Active Duty Military

☐ Family-member of Retiree

1. FULL NAME: _____ Circle Male / Female

FIRST

MIDDLE

LAST

2.

Address: _____

3. Work#: _____ Home#: _____

4. Rank: _____ Unit: _____

5. Domicile (STATE OF LEGAL RESIDENCE is normally where you vote and pay taxes): _____

6. Marital Status (**choose one**): ☐ Married ☐ Remarried (prior spouse died or divorced)

☐ Widow and now single ☐ Divorced and now single ☐ Pending Divorce or Legally Separated

☐ Single and never previously married

7. Full Name of Spouse: _____

8. Do you have children? _____ YES _____ NO
If NOT, do you expect to have any children? _____ YES _____ NO

9. Children's Information:

Full Names of children	Natural/Adopted/ Step	From this marriage/From prior marriage	Son/Daughter & Age

Note: If you have stepchildren, you need to speak to an attorney.

11. Do you want adopted or stepchildren to be *expressly* included _____, **OR**
expressly excluded _____?
12. What is the approximate value of your estate (including any insurance policies)?
- ☐ Under \$1,000,000
 - ☐ Over \$1,000,000 (**NOTE: You need to speak to attorney before continuing.**)

WHAT IS A WILL?: A will is a legal document which states your desires concerning what will happen to your property after your death. A will also contains other specific directions from you concerning who is to implement your instructions and, perhaps, who will care for any minor children you may leave behind.

WHY SHOULD I MAKE A WILL?: If you die without a valid will, the distribution of your property will be governed by the laws of your domicile or state of legal residence, and perhaps by the laws of the state in which you die. Your wishes usually will not be considered.

IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE?: No! For example, proceeds of life insurance policies (including SGLI) are distributed as you have designated in the insurance policy, and property that you own jointly with another person will, normally, go to the other joint owner. Likewise, certain bank accounts which are payable on death go directly to the beneficiary. Property passed to beneficiaries in these ways avoids the probate proceeding.

WHAT IS PROBATE?: Probate is a court procedure by which a will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children,

DISTRIBUTION OF PROPERTY

FOR PURPOSES OF THIS WILL WORKSHEET, YOU CAN DIVIDE YOUR PROPERTY INTO ONE OR MORE OF THE FOLLOWING FOUR (4) CATEGORIES:

BUSINESS OR FARM (If you have one)

REAL ESTATE (If you own any)

TANGIBLE PROPERTY (Specific things you would like to leave to specific people, IF ANY)

RESIDUARY PROPERTY (The catch-all for everything OR everything left over after the above divisions)

NOTE: You always have the option to consider your property together in the residuary property. Mark NO in the next categories and move to the Residuary Property section of the worksheet on page 3-4 if you do not desire specify property.

1. BUSINESS OR FARM.

If you own an interest in a business or farm that you would like to devise please speak with an attorney.

2. REAL ESTATE.

Do you own any real estate that you would like to devise to a SPECIFIC PERSON under this will? **(NOTE: You may answer "NO" even if you own this type of property. In that case, it will pass with the residuary estate)** Property owned jointly with your spouse will normally pass outside of your will by operation of the deed.

___ Yes ___ No.

If yes, complete the following:

What is the complete address of the property?

—

—

This property will be devised to the following person(s):

NAME

RELATIONSHIP

—

—

3. SPECIFIC BEQUESTS

Normally something unique such as a sword, gun collection, jewelry, or stamp collection.

Do you own any personal property that you would like to devise to a SPECIFIC PERSON under this will?

(NOTE: You may answer "NO" even if you own this type of property. In that case, it will pass with the residuary estate)

___ Yes ___ No.

This property will be devised as follows:

Relationship

Name

Item being devised (be as specific as possible)

—

—

—

Continued on last page (if necessary) ___

4. RESIDUARY ESTATE

The residuary estate is all remaining property after specific bequests are made **OR** all your property if you choose to devise your estate as one large sum to be divided. Your property will normally pass *Per Stirpes*. "*Per stirpes*" means "by the root" or "by right of deceased ancestor." This distribution allows a deceased beneficiary's share to go to the children of that beneficiary. Example, your grandchildren would receive your child's share if your child predeceased you. If you desire to pass your property other than by *Per Stirpes* please speak with an attorney.

How do you wish to devise your residuary estate (**CHECK ONLY THOSE THAT APPLY**)?

☐ To your spouse outright

☐ To your spouse **but if he/she dies before you** to your children or future born children

☐ Disinherit Spouse (minimum bequest permitted by law)

☐ To your children outright

☐ To your children **IN TRUST**

☐ To the following beneficiary(s) outright in ☐ EQUAL or ☐ UNEQUAL Shares (list fractions beside names) [**EXAMPLE: to my parents in equal shares**]

NAME	RELATIONSHIP
—	
—	
—	

5. **ALTERNATE BENEFICIARIES**

Alternate beneficiaries inherit your property if the primary beneficiary(s) (above) dies before you. **NOTE: You are not required to have alternate beneficiaries.**

I wish to designate the following alternate beneficiary(s) (list fractions beside names if taking unequal shares)

NAME	RELATIONSHIP
—	
—	
—	

AT WHAT AGE DO YOU WANT YOUR CHILDREN TO RECEIVE THEIR INHERITANCE OUTRIGHT?

Federal law allows you to designate children up to age 21 as minors for purposes of inheritance. Individual states may permit you to designate a higher age. Check with an attorney if you want to set the age above 21.

☐ 18 ☐ 21 ☐ (Specify)

PERSONAL REPRESENTATIVE

WHAT IS A PERSONAL REPRESENTATIVE?: A personal representative or executor is a person that you name in your will to carry out your desires, as expressed in your will, and to settle your estate. This person will handle your affairs after you die. Settlement includes paying, from your estate, any taxes and debts you may owe. Many married people name their spouse as their personal representative. Your personal representative will have an important role; choose him or her with care, and discuss the matter

with him or her. Be sure that the person you name is one you trust and have confidence in. The term personal representative and executor are interchangeable. It will be their responsibility to see your wishes carried out.

1. I WISH TO APPOINT THE FOLLOWING PERSON(S) AS MY PERSONAL REPRESENTATIVE(S) (LIST NAME AND RELATIONSHIP WHERE APPLICABLE) MARK ONE OPTION:

☐ Spouse

☐ Spouse and the following co-personal representative (**They will have to act together**):

☐ Spouse and the following successor personal representative(s) (**The successor(s) will act only if spouse cannot**): **{MOST COMMON}**

Name

Relationship

—

—

☐ The following individual (**other than your spouse**):

—

☐ The following person(s) (**These will have to act together**)

Name

Relationship

—

—

☐ The following individual **AND** the following successor personal representative(s) (**The successors will act only if primary cannot**):

Name

Relationship

—

—

IF A CO-PERSONAL REPRESENTATIVE FAILS TO QUALIFY (meaning they cannot or will not perform their appointed duties for some reason)...

☐ the other may act alone

☐ the other may appoint a new co-personal representative

☐ another co-personal representative is already designated by this Will

GUARDIANSHIP AND CONSERVATORSHIP OF MINORS

A will cannot supercede a birth parent's right to custody in the event of your death. Guardianship instructions assume the other parent is also deceased.

WHAT IS A GUARDIAN? A legal guardian is the person who will act as the parent for any of your children who are minors at the time of your death. Normally, if your spouse survives you, they become the child's/children's guardian if they are the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

CONSERVATORSHIPS are court supervised and involve the supervision of a person's financial affairs if the person lacks sufficient capacity to make or carry out important decisions concerning money matters. *Not all states permit designation of a conservator.* In those that do, the parent may designate an individual legally responsible (a guardian) for the *property* of a minor child.

1. I WISH TO PROVIDE FOR THE GUARDIANSHIP OF MY MINOR CHILDREN (IF ANY) AS FOLLOWS:

 NO guardian is to be appointed in this Will

 The following individual guardian **AND** the following successor guardian(s) (**These will act only if primary cannot**)(There is no requirement to have a successor):

	NAME	RELATIONSHIP	
a.			PRIMARY:

b. SUCCESSOR(S):

 The following CO-guardians (These will **SHARE** legal custody):

NAME	RELATIONSHIP
_____	_____
—	—
_____	_____
—	—

2. IF YOU WISH TO APPOINT A CONSERVATOR SPEAK WITH AN ATTORNEY

TRUST OR UGMA/UTMA

A Trust is a legal mechanism that creates a "managed" account for the benefit of another known as the "BENEFICIARY". The management of this account is subject to your instructions and the manager is called the "TRUSTEE".

WHAT IS A TRUST AND HOW MIGHT IT BE USED FOR THE BENEFIT OF MY CHILD(REN)? A trust is similar to a bank account that you create for the use of your children; the property you leave to your children automatically goes into the account. When your child reaches a certain age that you have decided upon in your will, all the money that remains in the account is distributed to the child. If you have more than one child, each child receives their share of the account when they reaches the required

age. A "separate" trust sets up an account for each of your children. A "unitary" trust creates one account that all of your children share and none of the children will receive their share until the youngest reaches the required age. You appoint a "trustee" who is legally responsible for the account to watch over the account and distribute money to your children. A trustee must be selected with care. The trustee should be a person you have confidence in, someone who knows your children and understand their needs.

UGMA/UTMA refers to a Federal law that also creates this managed account mechanism however this federal law creates the rules as opposed to you and does not require the appointment of a manager or trustee. Specifically, the Uniform Gifts to Minors Act (UGMA) or the Uniform Transfers to Minors Act (UTMA) creates custodianships which are generally recognized in state law and may be preferable to the creation of a trust in your will. If one or more of the beneficiaries in your will is a minor, the custodian you appoint establishes an UGMA/UTMA account for each minor. Like a trustee, the UGMA/UTMA custodian will be charged with administering the funds for the benefit of your children. Unlike a trustee, the custodian's duties and responsibilities are defined in state law rather than in your will. **IF YOU WANT AN UGMA/UTMA CUSTODIANSHIP ESTABLISHED INSTEAD OF A TRUST, DO NOT APPOINT A TRUSTEE IN THE NEXT QUESTION.**

NOTE: IF YOU SELECTED A CONSERVATOR OF THE PROPERTY ABOVE, YOU DO NOT NEED TO APPOINT A TRUSTEE BELOW.

1. I HAVE CREATED A TRUST AND HEREBY DESIGNATE THE FOLLOWING AS TRUSTEE OR CO-TRUSTEE:

___The following individual trustee **AND** the following successor trustee(s) (**The successors will act only if primary cannot**)(**successor(s) not required**):

*******DO NOT NAME YOUR SPOUSE OR CHILD AS TRUSTEE*******

	NAME	RELATIONSHIP	
a.			PRIMARY:
<hr/>			
b.	SUCCESSOR(S):		
<hr/>			

___The following **person(s)**, Co-Trustees (**These will have to act together**)

	NAME	RELATIONSHIP
	<hr/>	<hr/>
—	<hr/>	<hr/>
	<hr/>	<hr/>
—	<hr/>	<hr/>

IF A CO-TRUSTEE FAILS TO QUALIFY (meaning they cannot or will not perform their appointed duties for some reason) choose one:

___The other may act alone ___The other may appoint a new co-trustee

___Another co-trustee is already designated by this Will

FUNERAL ARRANGEMENTS

This section allows you to state your **desires** regarding your funeral. Unless you specify otherwise, **YOUR PERSONAL REPRESENTATIVE WILL DETERMINE HOW YOUR REMAINS WILL BE DISPOSED.**

UPON MY DEATH I WISH (CHECK ONE):

☐ To be cremated ☐ To be buried ☐ To have my body donated to medical science

IF APPLICABLE (Check all that apply):

☐ I wish to receive FULL MILITARY HONORS ☐ I wish to be buried at the following location:

☐ Other:

PREDEPLOYMENT ESTATE PLANNING PACKET

Marines operate according to plans. Before a deployment, Marines must have a plan in place in case they die during that time. This plan should contemplate the disposition of money and property. HOWEVER, EVERY MARINE'S ESTATE PLAN DOES NOT NECESSARILY REQUIRE A WILL. You will have received a brief before submitting the attached will worksheet. During that brief, you will have been taught the basics of creating an estate plan. IF YOU FEEL YOU NEED A WILL, complete the attached will worksheet. IF YOU FEEL YOU DO NOT NEED A WILL, complete this form and submit this form to your command (if required).

TO BE COMPLETED BY INDIVIDUAL MARINE:

I _____ received the estate planning brief given by the JOINT LAW CENTER, MCAS YUMA, on _____.

Based on the information presented and in consideration of my personal situation, I certify the following (initial all):

_____ I have received a thorough will/estate planning brief

_____ I understood all the information presented/Obtained answers to all my questions

_____ Based on my financial situation and personal wishes, I DO NOT WANT A WILL AT THIS TIME.

SIGNATURE

DATE

TO BE COMPLETED BY JOINT LAW CENTER: